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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re V.B., a Person Coming Under the Juvenile  
Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

V.B.,

Defendant and Appellant.

F070207

(Super. Ct. No. JJD068017)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Tulare County. Hugo Loza,  
Commissioner.

Kyle D. Smith, under appointment by the Court of Appeal, for Defendant and  
Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and  
Respondent.

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\* Before Kane, Acting P.J., Levy, J. and Smith, J.

The court adjudged appellant V.B. a ward of the court after it sustained allegations charging him with resisting arrest (count 1/ Pen Code, § 148, subd. (a)(1)), a misdemeanor, disturbing the peace (count 2/Pen. Code § 415), a misdemeanor, and possession of less than an ounce of marijuana (count 3/Health & Saf. Code, § 11357), an infraction. Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

### **FACTUAL AND PROCEDURAL HISTORY**

On May 14, 2014, at approximately 3:40 p.m. 15-year-old J.C. carried a bat as he walked to his friend's house in Lindsay, California to play baseball. Appellant, who was 13-years-old, approached J.C. and asked him if it was true that J.C. had threatened to kill appellant and was saying things about him. J.C. responded that he did not know appellant so he could not know anything about that. Appellant kept talking "smack" and wanted to fight with J.C. Appellant began asking J.C. if he was going to hit appellant with the bat. After approximately four minutes, a truck pulled up and two friends of J.C.'s brother got out. Appellant ignored them and continued insisting to J.C. that they fight. When appellant began yelling at J.C., his brother's friends began pulling him away towards the truck. J.C. walked away from appellant backwards so appellant would not assault him from behind.

As J.C. was about to get into the truck, Lindsay Police Sergeant Andrew Robinson, arrived on the scene in response to a call about a fight in progress. He then saw appellant in front of his patrol car walking aggressively toward J.C. with his fists clenched and he heard appellant tell J.C. in a loud voice, "[C]ome on you [expletives], let's do this." Sergeant Robinson ordered everyone to get on the ground. After taking statements, Sergeant Robinson arrested appellant for challenging J.C. to a fight. He then asked appellant if he had any weapons or contraband and appellant stated that he had a joint in his pocket. Sergeant Robinson confiscated a half burnt marijuana cigarette from appellant's pocket.

On June 22 and 23, 2014, appellant left home and went to parties with his friends against his mother's wishes. On June 24, 2014, at approximately 11:30 a.m. appellant's mother noticed that appellant, who had not slept at home the previous night, appeared desperate which made her believe he was ingesting drugs. Appellant was mad and argued with his mother about going out. He then left and walked to a nearby apartment where his aunt lived.

Appellant's mother called the police and reported that appellant was acting aggressive with family members, that he was possibly using drugs, and that he had run away. Lindsay Police Officers Andrew Loftin and Casey Higginbotham soon arrived at appellant's apartment and his mother accompanied them to the apartment where appellant's aunt lived. After the officers were allowed into the apartment, Officer Loftin located appellant in a bedroom. The officer spoke with appellant for about five minutes trying to get him to go back home and stay there, but appellant kept telling Officer Loftin he would go back home but he would not stay there. After it became apparent appellant was not going to go home and stay there, Officer Loftin attempted to arrest him for habitually or continually disobeying a parents reasonable orders (Welf. & Inst. Code, §§ 601, 625). However, when he grabbed appellant's wrist to handcuff him, appellant stated, "What the [expletive], you're not arresting me." He also tensed up, placed his left hand in front of his body, and locked it in place. With assistance from Officer Higginbotham, Officer Loftin eventually was able to take appellant into custody.

On June 26, 2014, the prosecutor filed a petition charging appellant with resisting arrest.

On July 15, 2014, the district attorney filed an amended petition that added a charge of disturbing the peace and possession of less than an ounce of marijuana.

On August 13, 2014, following a contested jurisdictional hearing the court sustained the allegations in the amended petition.

On September 5, 2014, the court adjudged appellant a ward of the court and released him with certain conditions to the custody of his parents under the supervision of the probation officer.

Appellant's counsel has filed a brief which summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) Appellant has not responded to this court's invitation to submit additional briefing.

Following an independent review of the record we find that no reasonably arguable factual or legal issues exist.

#### **DISPOSITION**

The judgment is affirmed.